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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,531	07/17/2003	Chris M. Rolph	15804-0105	2478
24267	7590	08/11/2004	EXAMINER	
CESARI AND MCKENNA, LLP 88 BLACK FALCON AVENUE BOSTON, MA 02210			PATEL, HARSHAD R	
			ART UNIT	PAPER NUMBER
			2855	

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/621,531	<b>Applicant(s)</b> ROLPH, CHRIS M.	
	<b>Examiner</b> Harshad Patel	<b>Art Unit</b> 2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 14 is/are rejected.
- 7) ☒ Claim(s) 7-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on 7/22/02. It is noted, however, that applicant has not filed a certified copy of the German application as required by 35 U.S.C. 119(b).

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Lorenz (6,168,069).

Lorenz teaches a Coriolis type mass flow meter with an enclosure (14), a Coriolis line (15) and a connection (115) for connecting the meter to a port of pipeline system, where in the connection includes a connecting element (112) and a mounting element (12). Lorenz teaches the material for the connecting element and the line can be either same or different. Lorenz teaches the line material to be titanium and the mounting element to be steel.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 4-5 and 14 (1) are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorenz.

Lorenz teaches all the features of the instant invention except for the sealing gasket between the sealing surface and the pipeline or the screwing the mounting element to the enclosure. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a sealing gasket between the two elements through which the flow medium would flow since providing a gasket would prevent any leakages. It is further known that any type of connections would be available between the two pipe connections including the screwing of the two flanges of the two pipelines since such connections are notoriously well known in the fluid handling mechanisms. As to claim 14, patentable weight has not been given as to the intended use of the product.

6. Claims 6 and 14 (6) are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanner et al. (6,523,421) (hereinafter Tanner).

Tanner teaches a Coriolis mass flow meter including an enclosure (705), a Coriolis line (101) and a connection (700) for connecting the meter to a port of pipeline system, where in the connection includes a connecting element (701) and a reinforcing element (703), the reinforcing element being mounted on the end of the Coriolis line and attached to the enclosure. The connecting element is welded to the Coriolis line. Tanner does not explicitly teach the connecting element welded to the reinforcing element. Tanner teaches unitary piece formed to include a connecting element and the reinforcing element. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the welding when the reinforcing element is formed separate from the connecting element so that each individual piece has to be welded in order to prevent any movement. As to claim 14, patentable weight has not been given as to the intended use of the product.

*Allowable Subject Matter*

7. Claims 7-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: Prior arts made available do not teach or fairly suggest, alone or in combination, a retaining element provided by means of which the reinforcing element is attached to the enclosure, wherein the retaining element is screwed onto the enclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harshad Patel whose telephone number is (571) 272-2187. The examiner can normally be reached on Monday-Thursday (7:00 AM-5:30 PM).



*Harshad Patel*  
*Primary Examiner*  
*Art Unit 2855*

hp  
August 9, 2004